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13 Attorneys for Defendant
NITEK International, LLC.

17 NETWORK VIDEO TECHNOLOGIES, INC.,) Case No. CO8-2208-MHP
18 Plaintiff,) *DENYING*
19 v.)
20 NITEK INTERNATIONAL, LLC and DOES 1-)
10,)
21 Defendants.)
22)
23)
24)

ORDER

Having considered Defendant NITEK International, LLC's Request for Leave to File a Motion for Reconsideration of Memorandum & Order Denying NITEK's Motion to Dismiss Complaint for Lack of Subject Matter Jurisdiction Under F.R.C.P. 12(B)(1), and finding that ~~since the October 20 Order, NITEK, through its attorneys, has stipulated to NVT that NVT has~~ not infringed the '149 patent under 35 U.S.C. §§271(a, b, and c) and is presently not infringing the '149 patent under 35 U.S.C. §§271 (a, b, and c); and finding that NITEK has further stipulated that the products that NVT is selling, including those listed in the proposed license,

10 stipulated that the products that NVT is selling, including those listed in the proposed license,
11 have substantial non-infringing uses. *despite this court's order and Plaintiff having dismissed its*
12 *appeal in accordance with that order and after that date to*
13 IT IS HEREBY ORDERED THAT leave is GRANTED for Defendant NITEK to file a
14 *DENIED.*
15 Motion for Reconsideration, with the Motion for Reconsideration including a stipulation from
16 NITEK that, as NVT presently sells the products listed in the Proposed License, or any other
17 products that have been sold by NVT, none of those products infringe any of the claims of the
18 '149 patent under 35 U.S.C. §§ 271 (a, b, and c) and that the products that NVT is selling,
19 including those listed in the proposed license, have substantial non-infringing uses.

IT IS FURTHER ORDERED that the Motion for Reconsideration with NITEK's

20 stipulation be filed within 10 days from the date of this Order. Parties shall
21 appear for a Case Management Conference on
IT IS SO ORDERED. February 2, 2009 at 3:00 p.m. Joint
22 Case Management Statement shall be filed on or
23 before January 26, 2008

24 Date: 12/15/08

By:

Marilyn Hall Patel
U.S. District Court Judge
Northern District of California

27 * defendant nonetheless briefing a motion for
28 frivolous appeal in the Federal Circuit,